

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**CIVIL NO.**

v.

**CHERYL MCCOY,**

**Defendant.**

**COMPLAINT**

Plaintiff, United States of America, (United States), by and through Richard W. Moore, United States Attorney for the Southern District of Alabama, and Erica R. Hilliard, Assistant United States Attorney, complains of the Defendant, **CHERYL MCCOY**, and in support for its cause of action, alleges and shows as follows:

1. This is a civil action brought by the United States pursuant to the Federal Debt Collection Procedures (FDCPA) (1990), 28 U.S.C. § 3001(a)(1).
2. The amount due is for a debt owing to the United States for a loan insured or guaranteed by the United States pursuant to 28 U.S.C. § 3002(3)(A). *See*, Exhibit 1, Certificate of Indebtedness.
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1345.
4. The Defendant, **CHERYL MCCOY**, is located in the Southern District of Alabama and presently resides in Daphne, Alabama, within the jurisdiction of this Court.

5. Demand has been made on the Defendant for payment in full. Despite this demand, the debt remains outstanding, and the Defendant owes the United States the sum of \$43,075.35 with interest accrued through March 6, 2019. Pursuant to the attached,

Exhibit 1, Certificate of Indebtedness , Defendant's debt is outlined as follows:

Principal: \$29,400.89

Interest: \$13,674.46

Administrative costs: \$0.00

WHEREFORE, the United States demands Judgment against the Defendant for the total sum amount of \$43,075.35 (\$29,400.89 principal, and \$13,674.46 interest accrued through March 6, 2019, and with interest to accrue at the rate of 5.125% interest, or the daily rate of \$4.13 per day, until the date of Judgment, plus costs of this action. The United States further demands that interest accrue after Judgment at the rate allowed by law, compounded annually, until paid in full, pursuant to 28 U.S.C. §1961.

Respectfully submitted,

RICHARD W. MOORE  
UNITED STATES ATTORNEY

Dated: March \_\_\_\_\_, 2019

By: s/Erica R. Hilliard

Erica R. Hilliard  
Assistant United States Attorney  
63 S. Royal Street, Suite 600  
Mobile, Alabama 36602  
Telephone: 251.415.7103  
Facsimile: 251.441.5044  
Email: Erica.Hilliard@usdoj.gov

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b>		<b>DEFENDANTS</b>																													
<p><b>(b) County of Residence of First Listed Plaintiff</b> _____  <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b></p>		<p>County of Residence of First Listed Defendant _____  <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (<i>If Known</i>)</p>																													
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) <i>(For Diversity Cases Only)</i>																													
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	<b>PTF</b> Citizen of This State	<b>DEF</b> <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State																												
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	<b>PTF</b> Citizen of Another State	<b>DEF</b> <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State																												
		<b>PTF</b> Citizen or Subject of a Foreign Country	<b>DEF</b> <input type="checkbox"/> 3 Foreign Nation																												
<b>IV. 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<b>V. ORIGIN</b> (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions.																													
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer																										
		Cite the U.S. Civil Statute under which you are filing ( <i>Do not cite jurisdictional statutes unless diversity</i> ):																													
<b>VI. CAUSE OF ACTION</b>		Brief description of cause:																													
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																											
<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions): JUDGE _____ DOCKET NUMBER _____																													
DATE _____		SIGNATURE OF ATTORNEY OF RECORD 																													
<b>FOR OFFICE USE ONLY</b>																															
RECEIPT # _____		AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____																										

**U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA**

**CERTIFICATE OF INDEBTEDNESS #1 OF 1**

Cheryl McCoy  
104 Brookwood Cir.  
Daphne, AL 36526-8143  
Account No. xxx-xx-0800

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 03/06/19.

On or about 11/18/08 the borrower executed a promissory note to secure a Direct Consolidation loan from the U. S. Department of Education. This loan was disbursed for \$29,400.89 on 12/19/08 at 5.125% interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1087a *et seq.* (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 03/04/10. Pursuant to 34 C.F.R. § 685.202(b), a total of \$0.00 in unpaid interest was capitalized and added to the principal balance.

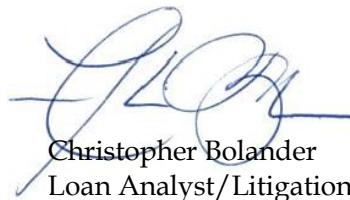
The Department has credited a total of \$1,994.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 29,400.89
Interest:	\$ 13,674.46
Total debt as of 03/06/19:	\$ 43,075.35

Interest accrues on the principal shown here at the rate of \$4.13 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 03/06/19



Christopher Bolander  
Loan Analyst/Litigation Support